



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

May 27, 2008

Reply To
Attn Of: ETPA-088

Ref: 08-018-NOA

Nancy Munn
National Marine Fisheries Service
1201 NE Lloyd Blvd., Suite 1100
Portland, OR 97232

Dear Ms. Munn:

The U.S. Environmental Protection Agency has reviewed the draft **Bull Run Water Supply Habitat Conservation Plan Environmental Impact Statement (EIS)** [CEQ #20080095] in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures we evaluate the document's adequacy in meeting NEPA requirements.

The proposed project would authorize the City of Portland to implement the Bull Run Water Supply Habitat Conservation Plan (HCP) measures to comply with the Endangered Species Act (ESA), thereby providing protection for four salmonid species listed as threatened under ESA. The HCP also includes conservation measures and effects analyses for an additional 18 fish and wildlife species not listed under ESA. The EIS evaluates two action alternatives. The Proposed Action would implement the HCP measures and comply with the Total Maximum Daily Load (TMDL) developed for the project area. The Fish Passage Alternative would implement some of the HCP conservation measures, however, it also includes two upstream and one downstream 'haul and trap' fish passage facilities.

We have assigned a rating of LO (Lack of Objections) to the draft EIS. This rating and a summary of our comments will be published in the *Federal Register*. A copy of the rating system used in conducting our review is enclosed for your reference.

While we lack objections to the Proposed Alternative, we would like to take this opportunity to request that the final EIS include additional information regarding the Fish Ladder Alternative that was considered but not carried forward, and indicators for effectiveness monitoring. In particular, the EIS states that the fishways for Bull Run Dams No.1 and No.2 would be too long and too high to be successful. However, the two examples of fishways cited in the EIS to support this statement are almost three times higher and two times longer than those that would be needed for the project. The EIS also states that due to the length of the required

fishways, solar heating would make water temperatures in the fishways less attractive to migrating fish. The EIS should provide additional examples of unsuccessful fishways that are similar in height and length to those that would be needed for the project. In addition, the EIS should provide information on potential water temperatures in fishways similar in length to those needed for the proposed project and explain how such temperatures would be unattractive to migrating fish.

The EIS states that effectiveness monitoring would be undertaken for those measures that present some degree of uncertainty about their biological effectiveness, such as gravel placement and in stream habitat enhancements. The EIS should discuss in further detail the indicators that will be used to determine effectiveness of those measures for which there is uncertainty of their biological effectiveness. Finally, the EIS would benefit from including information presented in the HCP that discusses how temperature TMDL targets will be met.

If you would like to discuss these comments in detail, please feel free to contact me at (206) 553-1601 or Mike Letourneau at (206) 553-6382.

Sincerely,

/s/

Christine Reichgott, Manager
NEPA Review Unit

Enclosures